IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT PETITION No: 19721 of 2004

Between:

R. Venkat Ramaiah, S/o. Venkataswamy,
R/o. Yadiki, Anantapur District.

..... PETITIONER

AND

1 The Collector and District Magistrate, Anantapur.
2 The Government of A.P., rep. by its Chief Secretary, Hyderabad.
3 The Superintendent of Central Prison, Cherlapally.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Habeas Corpus under Art. 226 of the Constitution of India directing the Respondents to produce the detenu Sri Rupaneni Balaji Chandrasekhar Chowdary @ Babu @ Yadiki Babu, S/o. Venkatramaiah, now detained in Central Prison, Cherlapally, before this Hon'ble Court and he may be ordered to be released forth with after declaring his detention as illegal and void.

Counsel for the Petitioner: MR.C.PRAVEEN KUMAR

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following:

ORAL ORDER: (BY GB,J.)

The order of detention passed by the Collector and District Magistrate, Anantapur District vide proceedings C.No.5001/44/MC/2004 dated 15-10-2004 is challenged in this Writ Petition.

2. The Collector and District Magistrate by virtue of powers vested under Section 3 of Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act (Act No.1 of 1986), issued the order of detention containing as many as 12 grounds. The said order came to be challenged in this Writ Petition.

3. The learned Senior Counsel appearing for the detenu submits that the order of detention is wholly illegal and unsustainable in law. Though, he places number of submissions in support of the case, one such submission is that the ground mentioned in ground No.1 to 7 are stale. They related to the years between 1995 to 1998 and the order of detention is passed in 2004. Thus, he submits that there is no proximity or continuity between the incidents and to the date of detention order and therefore, all the grounds are stale. The learned Counsel would refer to the decision of the Full Bench reported in **S. JAYAMMA v THE COLLECTOR AND DISTRICT MAGISTRATE, KUDDAPA** wherein it was held that though there is no specific provision for taking into consideration the past events by the detaining authority, it was held that such events should have close and continuous link and proximity so as to provide rational nexus between the incident relied on and the satisfaction arrived at.

4. We have heard the learned Advocate General also.

5. We are in agreement with the contentions raised by the learned Senior Counsel appearing for the detenu. He submits that in the first ground the incident alleged to have been taken place on 8.3.1995, so also in the second ground on the same day and the detention order is issued after a lapse of 9 years. Thus, we find that the said ground is stale and it cannot be taken into consideration for issuing the detention order. On this ground alone without going into the contentions advanced by the learned Senior Counsel on other aspects, the order of detention is set aside.

6. In the result, the Writ Petition is allowed and the order of detention is hereby quashed and the detenu shall be set at liberty forthwith, if he is not required in any other case.

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(G. BIKSHAPATHY, J.)

19-11-2004

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(CH.S.R.K. PRASAD, J.)

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The Rule Nisi is made absolute.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this **Friday the Nineteenth day of November Two thousand and Four.**

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ASSISTANT REGISTRAR

To

1 The Collector and District Magistrate, Anantapur.
2 The Chief Secretary, Government of A.P., Hyderabad.
3 The Superintendent of Central Prison, Cherlapally.

4. 2 CCs to the Advocate General, High Court of A.P., Hyderabad (OUT).

5. 2 CD copies.